

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

|                                       |   |                 |
|---------------------------------------|---|-----------------|
| APPLICATION OF KENTUCKY CGSA, INC.    | ) |                 |
| FOR ISSUANCE OF A CERTIFICATE OF      | ) |                 |
| PUBLIC CONVENIENCE AND NECESSITY TO   | ) |                 |
| CONSTRUCT AN ADDITIONAL CELL SITE IN  | ) |                 |
| LEXINGTON, KENTUCKY FOR THE PROVISION | ) | CASE NO. 97-072 |
| OF DOMESTIC PUBLIC CELLULAR RADIO     | ) |                 |
| TELECOMMUNICATIONS SERVICE TO THE     | ) |                 |
| PUBLIC IN FAYETTE COUNTY, KENTUCKY    | ) |                 |
| AND THE LEXINGTON MSA                 | ) |                 |

O R D E R

The Commission has received the attached letters from Mr. and Mrs. Robert Johnson and Steven L. Brixey (hereinafter referred to collectively as "Petitioners") regarding the proposed cellular telecommunications facility to be located at 3449 Buckhorn Drive, Lexington, Fayette County, Kentucky.

IT IS THEREFORE ORDERED that:

1. Kentucky CGSA, Inc. ("Kentucky CGSA") shall respond to Petitioners' concerns by certified letter, within 10 days of the date of this Order.
2. Kentucky CGSA shall file a copy of the certified letter and dated receipt, within 7 days of the date on the receipt.

Done at Frankfort, Kentucky, this 27th day of March, 1997.

ATTEST:

PUBLIC SERVICE COMMISSION

  
Executive Director

  
For the Commission

March 10, 1997

To Public Service Commission of Ky.  
CASE No. 97-072

RECEIVED

MAR 12 1997

PUBLIC SERVICE  
COMMISSION

As a property owner at 3452 Buckhorn Drive, Lexington, Ky. 40515. We are opposed to the construction and operation of a telecommunication service facility at 3449 Buckhorn Drive, Lexington, Ky. 40515

The 150' monopole tower with (12) antennas for a total height of 155' would cause a depreciation to our property and a eyesore to Buckhorn Drive

Sincerely,  
MR. & MRS. Robert Johnson  
3425 Buckhorn Drive  
Lex, Ky 40515

March 3, 1997

Executive Director's Office  
Public Service Commission of Kentucky  
Frankfort, Kentucky . . . . .

RECEIVED  
MAR 12 1997  
PUBLIC SERVICE  
COMMISSION

Case No. 97-072

Dear Director and Members of the Commission:

My name is Steve Brixey, I live at 3464 Buckhorn Drive in Lexington, Kentucky. I am writing to you concerning the proposal to place a 158 foot mono-tower and equipment shelter on property identified as 3449 Buckhorn Drive in Lexington. This is also identified by your case number as 97-072.

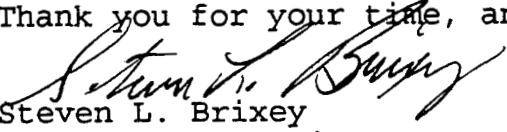
I am a cell phone user, but I must protest this proposed sight selection for the following reasons:

- 1). This property, 3449 Buckhorn Drive, is road front property in the middle of a neighborhood.
- 2). This is a middle income, working class neighborhood. This proposed sight would be an eye sore, and have a direct effect on property values not only within a 500 foot radius of the tower but as far as visually possible, and probably as far as a half mile in each direction of Buckhorn Drive.
- 3). This strip of property is so small a standard 4 post base tower will not fit within its boundaries.
- 4). This area has a history of severe weather, ie. micro bursts, tornados, and high winds each have caused damage to homes in the area. A mono-pole will endanger homes and lives directly across the street in bad weather. Flying debris could harm other homes or people.
- 5). Children use the sidewalks on that side of the street to get to Berry Hill Park and Swimming Pool. They would be walking directly under this tower. What is to keep children and / or teens from playing on any fencing or the tower itself ?

I do not know if you have been informed of this, but the proposed sight is directly in front of a shopping center Buckhorn Plaza. Currently the plaza is less than two-thirds (2/3) occupied. There is an entire building, over 75 feet in length, on the backside of the plaza which is vacant. There is sufficient room for a secured, well constructed, 4 post base tower. This area is well off the roadway, less visible, less inviting to children, and fewer homes would be endangered from any mishaps. Yet it is still easily accessible for construction or repairs.

I am not only complaining or protesting this proposal, I am providing a reasonable and safer counter proposal if a tower is needed in this immediate area.

Thank you for your time, and considerations.

  
Steven L. Brixey  
3464 Buckhorn Drive  
Lexington, Ky. 40515  
606-273-1245

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| TO CONSTRUCT AN ADDITIONAL CELL    | ) |          |
| SITE IN LEXINGTON, KENTUCKY FOR    | ) | CASE NO. |
| THE PROVISION OF DOMESTIC PUBLIC   | ) | 97-072   |
| CELLULAR RADIO TELECOMMUNICATIONS  | ) |          |
| SERVICE TO THE PUBLIC IN FAYETTE   | ) |          |
| COUNTY, KENTUCKY AND THE           | ) |          |
| LEXINGTON MSA                      | ) |          |

O R D E R

This matter arising upon the joint motion of Dwain and Sherry Breaden, Willis and Teresa Hendren, William Warren, Amy Copas, Mary Stacy, and Chris and Martha Saylor (hereinafter referred to collectively as "Petitioners"), filed March 12, 1997, for full intervention, and it appearing to the Commission that Petitioners have a special interest which is not otherwise adequately represented, and that such intervention is likely to present issues and develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings, Petitioners' motion to intervene should be granted. Petitioners also request that a hearing should be set in this matter. However, a number of interested persons have contacted the Commission in regard to this cell site and may yet wish to file motions to intervene. Consequently, the Commission will hold in abeyance Petitioners' motion for a hearing and will address it at the appropriate time.

IT IS THEREFORE ORDERED that:

1. The joint motion of Petitioners to intervene is granted.

2. Each Petitioner shall be entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order.

3. Should any Petitioner file documents of any kind with the Commission in the course of these proceedings, said Petitioner shall also serve a copy of said documents on all other parties of record.

4. Petitioners' motion for a hearing shall be held in abeyance until further Order of the Commission.

Done at Frankfort, Kentucky, this 27th day of March, 1997.

PUBLIC SERVICE COMMISSION

  
For the Commission

ATTEST:

  
Executive Director